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# The emergency plan for policy on Europe

The popular initiative “out of the cul-de-sac” is to be put to the vote. It is intended as “a kind of insurance policy” if the initiative on mass immigration cannot be implemented in a way that is compatible with Europe.

JÜRG MÜLLER

Few people believed it would succeed. However, in mid August, around nine months before the collection deadline expired, those behind the “out of the cul-de-sac” proposal announced that they had achieved the goal of collecting 100,000 signatures. This is significant because the popular initiative demands the rescission of the yes vote on the Swiss People’s Party’s (SVP) initiative on mass immigration of 9 February 2014 or, in other words, the deletion of the applicable article in the federal constitution that aims to allow Switzerland to manage immigration independently through quotas and maximum figures. Such a popular initiative has never been put forward before.

The emergence of the “out of the cul-de-sac” initiative has significantly enriched the debate over Swiss policy on immigration and Europe. Those behind it are promising nothing less than a way “out of the cul-de-sac”. At the same time, they are also adopting a flexible approach. They did not rule out the withdrawal of the initiative even during the collection of signatures. They refer to the proposal as “a kind of insurance policy” or “plan B”: “If the Federal Council and Parliament succeed in putting forward a better solution and implement the initiative on mass immigration without jeopardising the bilateral agreements, we will withdraw our initiative,” says Thomas Geiser, one of the key figures behind the proposal. Geiser is a professor of private and commercial law at the University of St. Gallen.

Such a solution does not seem likely at present. The EU does not appear to be willing to relax the principle of the free movement of persons

for Switzerland. The Federal Council has appointed a chief negotiator in State Secretary Jacques de Watteville (see profile on page 17) and has defined the key tenets of its policy: maintaining the bilateral agreements and the agreement on the free movement of persons but conducting negotiations with the EU on an amendment to the agreement in accordance with the constitutional obligation.

## Is the initiative undemocratic?

But what will happen if this approach fails? What if Switzerland is only able to choose between the systematic implementation of the initiative on mass immigration and the bilateral approach? Will the “out of the cul-de-sac” initiative really resolve the issue? Or is it downright undemocratic because it sabotages the will of the people? Political scientist Georg Lutz does not believe so. With a result as tight as that on the initiative on mass immigration it may be entirely reasonable to put the question to the people again in changed circumstances, he remarked on the SRF television channel. Voting several times on the same issue is also nothing new in a direct democracy as this happened with female suffrage and the introduction of proportional representation for the National Council.

The “out of the cul-de-sac” initiative’s chances of success are currently difficult to assess. Thomas Geiser is optimistic: “Collecting the signatures was a very easy task which is an indication of the mood amongst the people.” However, when collecting the signatures the organisers of the initiative focused primarily on French-speaking Switzerland and the urban centres of Ger-

man-speaking Switzerland where the initiative on mass immigration was rejected by the majority. This is one of the initiative’s weaknesses: a cantonal majority, which is required with popular initiatives, will be difficult to attain. There are no powerful associations or political parties backing the initiative. The initiative committee is almost exclusively supported by 400 individuals, including prominent figures such as the artists Pipilotti Rist, Gandy Hutter and Dimitri, the footballer Andy Egli, former President of the Federal Supreme Court Giusep Nay and professors Georg Kreis (historian) and Andreas Auer (expert in constitutional law). High-profile politicians are conspicuous by their absence.

## “Risky undertaking”

However, support for the “out of the cul-de-sac” initiative may grow depending upon how events unfold. Regula Rytz, Co-President of the Greens, has called the proposal an “important safety net” should “all else fail”. SP President Christian Levrat expressed a similar view but nevertheless believes that supporting the initiative is “a suicide mission because the risk of losing the ballot is so great”. National Councillor Christa Markwalder, a Free Democrat representative on foreign policy and a well-known euro advocate, summed up the situation in the “Berner Zeitung”: “I think it’s great that a civil committee has launched such an initiative. But it’s also a risky undertaking. If the Swiss people reject this proposal, we will not have solved the problem but will instead have affirmed it.”

JÜRG MÜLLER IS AN EDITOR WITH “SWISS REVIEW”